

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the following remarks.

Claims 19-29 remain pending. Claim 19 is amended to correct typographical errors, removing a duplication of the word “an” in step (b) and insertion of a semicolon before step (c). No new matter is added by this amendment.

The Examiner raises a single rejection of the pending claim, a provisional rejection of claims 19-29 under the judicially created doctrine of double patenting over claims 29-52 of co-pending Application No. 10/115,943. Applicant submits that this rejection is improper. The MPEP, at §804 I.B., clearly instructs:

If the “provisional” double patenting rejection is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit that application to issue as a patent, thereby converting the “provisional” double patenting rejection in the other application(s) into a double-patenting rejection at the time the one application issues as a patent.

Applicant does not believe that the Examiner has established that the subject matter of the present claims is not patentably distinct from the subject matter claimed in the referenced co-pending application. However, Applicant need not address this issue, because the current rejection is clearly improper. Applicant requests the Examiner to withdraw the “provisional” double patenting rejection and permit the current application to issue as a patent.

Applicant believes that the present application is in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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